



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

February 3, 2015

Dwight M. Sullivan
10262 Colima Road
Whittier, CA 90603

**REGARDING: PROJECT NO. R2014-00634-(4)
CONDITIONAL USE PERMIT NO. 201400027
10262 COLIMA ROAD (APNS: 8226-001-002 AND 8226-003-034)**

Hearing Officer Bruce Durbin, by his action of **February 3, 2015**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **February 17, 2015**. **Appeals must be delivered in person.**

Appeals:

To file an appeal, please contact:
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Maria Masis of the Zoning Permits East Section at (213) 974-6435, or by email at mmasis@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion),

c: DPW (Building and Safety); Zoning Enforcement;
MM: KK

**FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00634-(4)
CONDITIONAL USE PERMIT NO. 201400027**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400027 ("CUP") on February 3, 2015.
2. The permittee, Dwight M. Sullivan ("permittee"), requests the CUP to authorize the continued operation of a child care center for up to 60 children ("Project") on a property located at 10262 Colima Road in the unincorporated community of South Whittier-Sunshine Acres ("Project Site") in the R-A-6000 (Residential Agricultural-6,000 Square Feet Minimum Required Lot Area) zone pursuant to Los Angeles County Code ("County Code") section 22.20.440. The Project also includes a request for a 29.4 percent reduction in the amount of required parking from 68 to 48 parking spaces and the Project Site also includes an off-site parking lot located at 14918 Lambert Road in the R-1 (Single-Family Residence) zone.
3. The Project Site is 1.8 gross acres (1.2 net acres) in size and consists of two adjacent parcels separated by the intersection of two alleys. The main parcel is flat and rectangular in shape and is developed with the buildings used for the church and child care center, a drop-off area with five parallel parking spaces, and a parking lot with 15 angled parking spaces.

The other parcel is square in shape and is located northeast of the main parcel. This parcel is developed with an off-site parking lot containing 28 angled parking spaces.

4. The Project Site is located in the Southeast Whittier Zoned District and is currently zoned R-A-6000 and R-1.
5. The Project Site is located within the Low Density Residential land use category of the General Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: R-A-6000, C-2-DP-BE (Neighborhood Business – Development Program – Billboard Exclusion), and incorporated City of Whittier
 - South: R-1
 - East: R-1 and incorporated City of Whittier
 - West: R-A-6000
7. Surrounding land uses within a 500-foot radius include:

North: Retail stores, railroad tracks, a self-service storage facility, a parking lot, and single-family residences
South: Single-family residences

East: Railroad tracks, a self-service storage facility, and single-family residences
West: Single-family residences

8. The property was zoned R-A-6000 in December of 1949 and the adjacent off-site parking lot was rezoned to R-1 in August of 1952. Zone Exception Case No. 1876 approved the development of the site as a church in 1955 with a condition stating that the off-site lot, designed for 98 parking spaces, referenced in Zone Exception Case No. 1926 must be acquired by the applicant and that this associated zone exception case be granted for parking purposes. Zone Exception Case No. 1926 was granted; however, Lambert Road was relocated and this other lot was never developed for parking for the church.

To resolve the parking deficiency issue, Zone Exception Case No. 8427 was granted in 1967 for a different off-site parking lot, the currently-used off-site parking lot, containing 31 parking spaces. An elementary school was approved by Zone Exception Case No. 8711 in 1968 and shared the facilities with the church. In June of 1973, Conditional Use Permit No. 255 and Variance No. 167 replaced the previous zone exception case and approved the continued use of the property as a school and church with less than the required parking. Conditional Use Permit No. 1364 was approved in 1978 and added the child care center use to the property.

Conditional Use Permit No. 90324 and Parking Permit No. 90324 were approved in 1990 for the continued operation of the church and child care center and for the shared use of the church parking lots with the child care center when the church is not in operation. This approval contained a condition identifying an expiration date of December 4, 2000 for the child care center, but indicated that there shall be no termination date for the church operation.

9. The site plan for the Project depicts two separate parcels; one parcel to the northeast contains the off-site parking lot and the other parcel contains the main church building, offices, an auditorium, and classrooms. On the parcel containing the church buildings, there are five parking spaces adjacent to the alley in addition to a parking lot north of the church sanctuary. The main entrance to the child care center is accessible from the alley on the eastern side of the property and is located within the breezeway area between the auditorium building to the north and the classroom building to the south. The applicant has indicated that the classrooms, auditorium, and outside play areas will be used by the child care center.
10. The 15-space parking lot is accessible via Colima Road to the west. Primary access to the child care center is accessible from the alley that intersects Lambert Road and is east of the Project Site. The five parking spaces adjacent to the alley are also adjacent to the main entrance of the child care center. Access to the off-site parking lot is also taken from the alley that intersects Lambert Road.
11. The Project will provide a total of 48 parking spaces; 28 are located in the off-site lot, 15 are located in the parking lot adjacent to the church sanctuary, and five spaces are provided adjacent to the alley.

12. The County Department of Public Works ("Public Works") has cleared this project for hearing with recommended conditions of approval.
13. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the continued operation of a child care center on a church property with negligible or no expansion of use beyond that which was previously existing.
14. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
15. No correspondence was received from the public regarding the Project.
16. A duly noticed public hearing was held on February 3, 2015 before the Hearing Officer. The applicant's representative, Marty Nicholson, presented testimony in favor of the request. A neighbor, Mr. Orlando Flores, also presented testimony in favor of the project. There being no further testimony, the Hearing Officer closed the public hearing and approved the project.
17. The Hearing Officer finds that Project is consistent with the goals and policies of the General Plan. The Low Density Residential land use designation is intended for detached single-family housing units; however, it is not the intent of the General Plan policy to preclude further development or expansion of such uses as schools, churches, local parks, and other community-serving public facilities. The church and child care center provide services to the local community and are therefore consistent with the permitted uses of the underlying land use category.
18. The Hearing Officer finds that the Project is consistent with the R-A-6000 zoning classification because child care centers are permitted in this zone provided a conditional use permit has first been authorized.
19. The Hearing Officer finds that the Project will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the Project Site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The child care center provides a service to the surrounding residential community and the Project Site has been authorized for a child care center for over 30 years without issue. Shared use of the church facilities allows the child care center to occupy the site when the church is not in operation.
20. The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping

and other development features as are required in order to integrate the Project into the surrounding area. This site was authorized for the development of a church in 1955. The buildings and structures were in compliance with the development standards at the time of construction. No alterations or additional development is proposed as part of this project.

21. The Hearing Officer finds that the Project Site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required. Colima Road and Lambert Road are existing Secondary Highways and are proposed as Class 2 Bike Paths. There are also intersecting alleys adjacent to the Project Site that provide additional assistance with circulation.
22. The Hearing Officer finds that the Project Site is in compliance with all applicable provisions of Title 22 of the County Code. With an approved conditional use permit, properties zoned R-A-6000 may be used for child care centers. The existing buildings were developed in compliance with the development standards required at the time of construction. County Code section 22.56.1762 allows for a reduction of less than 30 percent of the required parking as part of the conditional use permit request. The applicant is requesting a 29.7 percent reduction in parking from 74 parking spaces to 52 parking spaces. Since the church and the child care center operate at different times and only 14 parking spaces are required for the child care center use, the 22 parking space in the lot adjacent to the church sanctuary and the five parking spaces adjacent to the alley will provide sufficient parking for the child care center use.
23. The Hearing Officer finds that the Project is so arranged as to avoid traffic congestion, provide for the safety and convenience of bicyclists and pedestrians, including children, senior citizens, and persons with disabilities, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice. This is an existing, developed site. Traffic flow was previously analyzed when the parking lots were developed. The Department of Public Works has cleared the project for hearing based on the previous authorization for this use and the existing development of the site.
24. The Hearing Officer finds that the Project Site is suitable from the standpoint of functional developmental design. All buildings and structures were previously constructed. No additions or remodels are proposed as part of this project. The church and child care center will share the use of the existing facilities. Both of these uses have been operating at the Project Site for over 30 years.
25. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the conditional use permit to fifteen (15) years.
26. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail,

newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the South Whittier Library. On December 16, 2014, a total of 140 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as six notices to those on the courtesy mailing list for the Southeast Whittier Zoned District and to any additional interested parties.

27. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

Regarding the Conditional Use Permit:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

Regarding the Minor Parking Deviation:

- E. The use, development of land and/or application of development standards is in compliance with all applicable provisions of this Title 22.
- F. The use, development of land, and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, provide for the safety and convenience of bicyclists and pedestrians, including children, senior citizens, and persons with disabilities, insure the protection of public health, safety

and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice.

- G. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. Approves Conditional Use Permit No. 201400027, subject to the attached conditions.

MM:KK
1/5/15

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00634-(4)
CONDITIONAL USE PERMIT NO. 201400027**

PROJECT DESCRIPTION

The project is for a Conditional Use Permit ("CUP") to authorize the continued operation of a child care center subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on February 3, 2030.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to

determine the permittee's compliance with the conditions of approval. The fund provides for eight (8) biennial (one every other year) inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
14. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **April 6, 2015**.

17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE SPECIFIC CONDITIONS

18. This grant shall authorize the continued operation of the child care center with a maximum of 60 children.
19. The project site shall include at least 48 parking spaces. If the uses on the subject project site change their mode or character of operation so as to require less parking than the minimum requirement, the permittee shall submit an application for a Revised Exhibit "A" within 90 days of such occurrence.

If the uses on the subject project site change their mode or character of operation so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

20. The permittee shall maintain a designated drop-off and pick-up area on the subject property.
21. Outdoor amplified music and outdoor public address systems are prohibited.
22. As agreed to by the permittee, the hours of operation for the child care center shall be between 6:00 a.m. and 6:00 p.m., Monday through Friday.
23. The permittee shall maintain a valid license for a child care center with the state of California and shall present it to enforcement upon request.
24. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated November 24, 2014.

Attachments:

Public Works Department Letter dated November 24, 2014